

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on April 21, 2009.

Mayor David W. Cline presided and called the meeting to order at 6:30 p.m.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Joe McKenzie, YEA Commissioner David Schilling, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Community Development Coordinator Kyle Gill, Tourism Director Angelia Burgett, Fire Chief Mike Chism, Assistant Fire Chief Andy Adair, Police Chief David Griffith, and City Clerk Susan O’Brien.

Mr. David Phillips of Speer Financial and Mr. Sean Flynn of Gilmore and Bell reviewed the bond ratings, bids for the 2009A and 2009B General Obligation Bonds, and acceptance ordinances.

Mayor Cline opened the public hearing on the tentative budget for the fiscal year that begins May 1, 2009 and ends April 30, 2010 at 6:37 p.m. in the City Hall Council Chambers on April 21, 2009. City Attorney and Treasurer Owen conducted the hearing and discussed the filing date of April 9, 2009, highlighted the general fund, 2010 IMRF Employer Rate Notice, health insurance costs, overtime rates, insurance and tort judgment fund, allocation of technology costs, updated all funds, HOME Rehab grant summary, Revolving Loan Fund summary, Mid-town TIF summary, Capitol Projects Fund summary, East Side TIF, Route 45 South Business District, Broadway East Business District, I-57 East Business District, Library Fund, Water and Sewer Funds, Cemetery Fund, Health Insurance Fund, and the overall budget deficit of over \$800,000. Attorney and Treasurer Owen requested questions from the Council and Public.

Mr. Herb Meeker of the Journal Gazette inquired about the deficit, revenues, and amended budget with Attorney & Treasurer Owen responding. Director Wortman noted additional items which were removed from the budget.

Mayor Cline closed the public hearing at 6:56 p.m.

Mayor Cline seconded by Commissioner Schilling moved to approve the consent agenda consisting of minutes of the regular meeting April 7 and special meeting April 9, 2009; payroll and bills for the first half of April, 2009 and HOME Rehab Grant Expenditures.

Bills and Payroll for first part of April, 2009			
<u>General Fund</u>			
Payroll		\$	251,717.54
Bills		\$	68,309.90
	Total	\$	320,027.44
<u>Hotel Tax Fund</u>			
Payroll		\$	1,818.08
Bills		\$	302.27
	Total	\$	2,120.35
<u>Festival Management</u>			
Bills		\$	412.50
	Total	\$	412.50
<u>Insurance & Tort Judgment</u>			
Bills		\$	538.00
	Total	\$	538.00
<u>Capital Project Fund</u>			
Bills		\$	19,519.06
	Total	\$	19,519.06
<u>Water Fund</u>			
Payroll		\$	30,543.65
Bills		\$	22,563.50
	Total	\$	53,107.15
<u>Sewer Fund</u>			
Payroll		\$	33,150.21
Bills		\$	369,927.41
	Total	\$	403,077.62
<u>Cemetery Fund</u>			
Payroll		\$	4,207.12
Bills		\$	86.18
	Total	\$	4,293.30
<u>Health Insurance</u>			
Bills		\$	81,351.27
	Total	\$	81,351.27
<u>Motor Fuel Tax Fund</u>			
Bills		\$	5,220.62
	Total	\$	5,220.62

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline opened the floor for presentations, petitions and communications.

Mr. Meeker inquired about proof of insurance for TIF projects with Administrator Gilmore responding TIF agreement provision hold the City harmless.

Mr. Meeker inquired about the taxable bond sales with Attorney & Treasurer Owen explaining the interest received was taxable to the entities receiving the interest and the savings by issuing the bonds at this time. Mayor Cline added the projects covered by the bonds allowed for flexibility in the markets.

There were no other public communications.

Mayor Cline seconded by Commissioner Schilling moved to approve Council Decision Request 2009-952, approving a home occupation application and authorizing the Mayor to sign a permit to enable a beauty shop use at 704 Oklahoma by Dusty Arthur.

Mayor Cline opened the floor for questions or comments. Commissioner McKenzie inquired as to the review of applications with Coordinator Gill responding with the building inspection department and notices to neighbors for questions or concerns.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to approve Council Decision Request 2009-953, approving a home occupation application and authorizing the Mayor to sign a permit to enable a massage therapy business use at 3228 Champaign Avenue by Jennifer Mast.

Mayor Cline opened the floor for questions or comments. Mayor Cline inquired whether contact was made with neighboring properties, and Coordinator Gill responded affirmatively with no objectors.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Ordinance 2009-5275, awarding bond sale of \$6,000,000 General Obligation Bonds (Alternate Revenue Source), Series 2009A; and authorizing the Mayor and City Clerk to execute all documents.

(Excerpt from Ordinance – entire Ordinance available at City Clerk’s Office)

ORDINANCE NO. 2009-5275

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCE), SERIES 2009A, OF THE CITY OF MATTOON, ILLINOIS; PRESCRIBING THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Mattoon, Illinois (the “City”), is a non home rule city and political subdivision of the State of Illinois, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Illinois; and

WHEREAS, the City Council has determined that it is advisable, necessary and in the best interests of the City, in order to promote and protect the public health, welfare, safety and convenience of the residents of the City, to acquire, construct, renovate and improve various capital improvement projects in the City, including, but not limited to, construction of storm drainage detention and management facilities, acquisition of land, road and sidewalk improvements, park and recreational facility improvements and new building construction (collectively, the “Project”); and

WHEREAS, the estimated cost of the Project includes engineering, legal, financial, bond discount, printing and publication costs, capitalized interest and other expenses, and there are insufficient funds on hand and lawfully available to pay such cost; and

WHEREAS, such costs of the Project are expected to be paid for from cash on hand or expected to be on hand and lawfully available for the purpose and from the proceeds of alternate bonds authorized to be issued at this time pursuant to the Act (as defined herein); and

WHEREAS, it is necessary and for the best interests of the City that the Project be undertaken and, in order to raise the funds required for such purpose, it will be necessary for the City to borrow \$6,000,000 and in evidence thereof to issue alternate bonds in the aggregate principal amount of \$6,000,000, all in accordance with the Act; and

WHEREAS, there are insufficient funds on hand and lawfully available to undertake the Project, and there exists a source of funds, other than enterprise revenues, received or available to be received by the City and available for any one or more of its corporate purposes, and as provided in the Act, the City is authorized to issue its general obligation bonds payable from such revenue source; and

WHEREAS, the City Council, on the 7th day of October, 2008, adopted Ordinance No. 2008-5263 (the “Authorizing Ordinance”), authorizing the issuance of certain alternate bonds, being general obligation bonds payable from a revenue source as provided by the Act (the “Alternate Bonds”), in an amount not to exceed \$6,000,000 for the Project; and

WHEREAS, on the 9th day of October, 2008, the Authorizing Ordinance, which included therein a notice in the statutory form, was published in the *Journal Gazette & Times-Courier*, and an affidavit evidencing the publication of the Authorizing Ordinance and said notice have heretofore been presented to the City Council and made a part of the permanent records of the City; and

WHEREAS, more than thirty (30) days have expired from the dates of publication of the Authorizing Ordinance and said notice, and no petition with the requisite number of valid signatures thereon was filed with the City Clerk requesting that the question of the issuance of the Alternate Bonds for the Project be submitted to referendum; and

WHEREAS, the Project constitutes lawful corporate purposes within the meaning of the Act; and

WHEREAS, the City Council has been authorized to issue the Alternate Bonds in the amount of \$6,000,000 in accordance with the provisions of the Act and the Authorizing Ordinance; none of such bonds have heretofore been issued; and the City Council hereby determines that it is necessary and advisable that there be issued at this time \$6,000,000 of the authorized amount; and

WHEREAS, the Alternate Bonds to be issued will be payable from the Pledged Revenues and the Pledged Taxes, both as hereinafter defined; and

WHEREAS, the City Council hereby determines that the Pledged Revenues will provide in each year to final maturity of the proposed Alternate Bonds an amount not less than 1.25 times debt service of the proposed Alternate Bonds and the City’s General Obligation Bonds (Alternate Revenue Source), Series 2009B (the “Series 2009B Bonds”), expected to be issued on the same date as the proposed Alternate Bonds, after taking into account any additional revenues pledged to the Series 2009B Bonds; and

WHEREAS, such determination of the sufficiency of the Pledged Revenues is supported by a report prepared by Speer Financial, Inc., which report is hereby approved; and

WHEREAS, pursuant to and in accordance with the provisions of the Bond Issue Notification Act of the State of Illinois, the Mayor, on the 23rd day of September, 2008, executed an Order calling a public hearing (the “Hearing”) for the 7th day of October, 2008, concerning the intent of the City Council to sell \$6,000,000 General Obligation Bonds (Alternate Revenue Source) to fund a portion of the Project; and

WHEREAS, notice of the Hearing was given by publication at least once not less than seven (7) nor more than thirty (30) days before the date of the Hearing in the *Journal Gazette & Times-Courier*, the same being a newspaper having general circulation in the City; and

WHEREAS, the Hearing was held on the 7th day of October, 2008, and at the Hearing, the City Council explained the reasons for the proposed bond issue and permitted persons desiring to be heard an opportunity to present written or oral testimony within reasonable time limits; and

WHEREAS, the Hearing was finally adjourned on the 7th day of October, 2008, and not less than seven (7) days have passed since the final adjournment of the Hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, AS FOLLOWS:
...

Section 813. Effective Date. This Ordinance shall take effect and be in full force immediately from and after passage by the City Council.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 21st day of April, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline,
NAYS (Names): None
ABSENT (Names): None

Approved this 21st day of April, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O’Brien /s/ J. Preston Owen
Susan J. O’Brien, City Clerk J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on April 21, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Ordinance 2009-5276, awarding bond sale of \$4,000,000 Taxable General Obligation Bonds (Alternate Revenue Source), Series 2009B; and authorizing the Mayor and City Clerk to execute all documents.

(Excerpt from Ordinance – entire Ordinance available at City Clerk’s Office)

ORDINANCE NO. 2009-5276

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF TAXABLE GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCE), SERIES 2009B, OF THE CITY OF MATTOON, ILLINOIS; PRESCRIBING THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Mattoon, Illinois (the “City”), is a non home rule city and political subdivision of the State of Illinois, duly created, organized and existing under and by virtue of the Constitution and laws of the State of Illinois; and

WHEREAS, the City Council has determined that it is advisable, necessary and in the best interests of the City, in order to promote and protect the public health, welfare, safety and convenience of the residents of the City, to renovate and improve the Cross County Mall, including renovations to the façade, roof, HVAC, parking facilities and drainage facilities (collectively, the “Project”); and

WHEREAS, the estimated cost of the Project includes engineering, legal, financial, bond discount, printing and publication costs, capitalized interest and other expenses, and there are insufficient funds on hand and lawfully available to pay such cost; and

WHEREAS, such costs of the Project are expected to be paid for from cash on hand or expected to be on hand and lawfully available for the purpose and from the proceeds of alternate bonds authorized to be issued at this time pursuant to the Act (as defined herein); and

WHEREAS, it is necessary and for the best interests of the City that the Project be undertaken and, in order to raise the funds required for such purpose, it will be necessary for the City to borrow \$4,000,000 and in evidence thereof to issue alternate bonds in the aggregate principal amount of \$4,000,000, all in accordance with the Act; and

WHEREAS, there are insufficient funds on hand and lawfully available to undertake the Project, and there exists a source of funds, other than enterprise revenues, received or available to be received by the City and available for any one or more of its corporate purposes, and as provided in the Act, the City is authorized to issue its general obligation bonds payable from such revenue source; and

WHEREAS, the City Council, on the 7th day of October, 2008, adopted Ordinance No. 2008-5263 (the “Authorizing Ordinance”), authorizing the issuance of certain alternate bonds, being general obligation bonds payable from a revenue source as provided by the Act (the “Alternate Bonds”), in an amount not to exceed \$4,000,000 for the Project; and

WHEREAS, on the 9th day of October, 2008, the Authorizing Ordinance, which included therein a notice in the statutory form, was published in the *Journal Gazette & Times-Courier*, and an affidavit evidencing the publication of the Authorizing Ordinance and said notice have heretofore been presented to the City Council and made a part of the permanent records of the City; and

WHEREAS, more than thirty (30) days have expired from the dates of publication of the Authorizing Ordinance and said notice, and no petition with the requisite number of valid signatures thereon was filed with the City Clerk requesting that the question of the issuance of the Alternate Bonds for the Project be submitted to referendum; and

WHEREAS, the Project constitutes lawful corporate purposes within the meaning of the Act; and

WHEREAS, the City Council has been authorized to issue the Alternate Bonds in the amount of \$4,000,000 in accordance with the provisions of the Act and the Authorizing Ordinance; none of such bonds have heretofore been issued; and the City Council hereby determines that it is necessary and advisable that there be issued at this time \$4,000,000 of the authorized amount; and

WHEREAS, the Alternate Bonds to be issued will be payable from the Pledged Revenues and the Pledged Taxes, both as hereinafter defined; and

WHEREAS, the City Council hereby determines that the Pledged Revenues will provide in each year to final maturity of the proposed Alternate Bonds an amount not less than 1.25 times debt service of the proposed Alternate Bonds and the City’s General Obligation Bonds (Alternate Revenue Source), Series 2009A (the “Series 2009A Bonds”), expected to be issued on the same date as the proposed Alternate Bonds; and

WHEREAS, such determination of the sufficiency of the Pledged Revenues is supported by a report prepared by Speer Financial, Inc., which report is hereby approved; and

WHEREAS, pursuant to and in accordance with the provisions of the Bond Issue Notification Act of the State of Illinois, the Mayor, on the 23rd day of September, 2008, executed an Order calling a public hearing (the “Hearing”) for the 7th day of October, 2008, concerning the intent of the City Council to sell \$4,000,000 Taxable General Obligation Bonds (Alternate Revenue Source) to fund a portion of the Project; and

WHEREAS, notice of the Hearing was given by publication at least once not less than seven (7) nor more than thirty (30) days before the date of the Hearing in the *Journal Gazette & Times-Courier*, the same being a newspaper having general circulation in the City; and

WHEREAS, the Hearing was held on the 7th day of October, 2008, and at the Hearing, the City Council explained the reasons for the proposed bond issue and permitted persons desiring to be heard an opportunity to present written or oral testimony within reasonable time limits; and

WHEREAS, the Hearing was finally adjourned on the 7th day of October, 2008, and not less than seven (7) days have passed since the final adjournment of the Hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS, AS FOLLOWS:

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Section 812. Effective Date. This Ordinance shall take effect and be in full force immediately from and after passage by the City Council.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 21st day of April, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 21st day of April, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O’Brien
Susan J. O’Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on April 21, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner McKenzie moved to adopt Special Ordinance 2009-1326, approving a five-year contract with Central States Fireworks, Inc. of Athens, Illinois for 4th of July firework observances; and authorizing the Mayor and City Clerk to execute the documents.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1326

AN ORDINANCE APPROVING A CONTRACT WITH CENTRAL STATES FIREWORKS, INC OF ATHENS, ILLINOIS.

WHEREAS, the City of Mattoon has previously contracted with Central States Fireworks for five years and has developed a solid working relationship; and,

WHEREAS, Central States Fireworks has served the City of Mattoon with consistent and safe displays with the best of interest of the City of Mattoon in mind; and,

WHEREAS, the City of Mattoon considers Central States Fireworks a beneficial partner in the Fourth of July Fireworks event.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Mayor and City Clerk are hereby authorized to enter into a contract with Central States Fireworks, Inc. of Athens, Illinois for 4th of July fireworks observances in the years 2009, 2010, 2011, 2012 and 2013 without further consideration or approval by the Mattoon, Illinois City Council.

Section 2. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Ervin, seconded by Commissioner McKenzie, adopted this 21st day of April, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 21st day of April, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O’Brien

Susan J. O’Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on April 22, 2009.

Mayor Cline opened the floor for questions or comments. Commissioner Hall inquired whether contracts were typically five years with responses from Commissioner Ervin of Mattoon/Charleston sharing in the cost for the three years previously and Attorney & Treasurer Owen noting the same price for next five years as last three years.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1327, authorizing the Mayor to sign an outright grant agreement by and between the City of Mattoon and Jan and Terry Kroening reimbursing up to \$26,637.00 from available Mid-town TIF revenues over a five-year term for roof and structural renovations and electrical and plumbing upgrades to a building located at 1626 Broadway Avenue.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1327
AN ORDINANCE APPROVING A GRANT AGREEMENT BY AND BETWEEN THE CITY OF MATTOON, ILLINOIS AND, JAN AND TERRY KROENING IN CONNECTION WITH THE MATTOON MID-TOWN REDEVELOPMENT PROJECT AREA

WHEREAS, Jan and Terry Kroening (the “**Grantees**”), has submitted a proposal to the City of Mattoon, Illinois (the “**Municipality**”) for redevelopment of a part of the Municipality’s Mattoon Mid-town Redevelopment Project Area (the “**Redevelopment Project Area**”); and, thereafter, the Municipality and the Grantees have engaged in negotiations related to a Grant Agreement (including all exhibits and attachments in connection therewith, the “**Grant Agreement**”) concerning redevelopment incentives and assistance related to the preservation, development and redevelopment of a part of the Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Grant Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Grant Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Grantees, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Grant Agreement, desirable or necessary to implement and otherwise give full effect to the Grant Agreement. Upon full execution thereof, the Grant Agreement shall be attached to this ordinance as EXHIBIT “A”.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 21st day of April, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 21st day of April, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O’Brien
Susan J. O’Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on April 22, 2009.

Mayor Cline opened the floor for questions or comment. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to approve Council Decision Request 2009-956, authorizing the Mayor and City Clerk to sign the Artist’s Agreement with DS Gordon Murals for the Mural Art Project at the Cross County Mall.

Mayor Cline opened the floor for questions or comments. Commissioner Hall reiterated his disapproval of using TIF funds for mural projects. Mayor Cline stated the Mall had been contacted and was interested in funding part of the project at a later date.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, NAY Commissioner Hall, NAY Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Resolution 2009-2770, prescribing contributions required of Employees and Retirees who elect to participate in the group health and life insurance plan of the municipality.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2009-2770

A RESOLUTION ESTABLISHING CONTRIBUTIONS REQUIRED OF EMPLOYEES AND RETIREES WHO
ELECT TO PARTICIPATE IN THE CITY OF MATTOON’S GROUP HEALTH, DENTAL AND LIFE
INSURANCE PLANS

WHEREAS, the City of Mattoon is subject to three collective bargaining agreements which prescribe that employees shall pay 15% of the cost of the health insurance plan by payroll deduction beginning with the first paycheck of May after the cost for the preceding calendar year are disclosed by the Employer’s health insurance administrator; and

WHEREAS, actual costs for stop loss insurance, fees, medical, prescription and dental claim expenditures for calendar year 2008 were \$443.68 per month for single coverage and \$767.42 per month for family coverage, as reported by PersonalCare of Illinois and Delta Dental of Illinois, the Employer’s health and dental insurance plan administrators; and

WHEREAS, State statutes do not presently require a municipality to pay any portion of the cost of post employment benefits for retired employees; and

WHEREAS, the City began to require retired employees, whose pensions are more than \$1,625 per month, to contribute a higher share of the cost of the health insurance plan by Resolution 2004-2548 adopted April 6, 2004; and

WHEREAS, bids were sought for group life insurance and coverage was bound with the low bidder, Fort Dearborn Life Insurance Company for a two-year term effective May 1, 2008 by Council Decision Request 2008-861 approved on April 1, 2008; and

WHEREAS, the time is now appropriate to prescribe contributions required of employees and retirees for the health and life insurance plans for the 2009/2010 fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The following tables prescribe contributions required of eligible employees and retirees who elect to participate in the City of Mattoon’s group health insurance plan.

Eligible Employees and Retirees Whose Pensions Are Less Than \$1,625 Per Month

	Total Monthly Cost	Employer Share 85%	Employee Share 15%
Single Coverage	\$ 443.68	\$ 377.13	\$ 66.55
Family Coverage	\$ 767.42	\$ 652.31	\$ 115.11

Eligible Retirees Whose Pensions Are More Than \$1,625 Per Month

	Total Monthly Cost	Employer Share 70.00%	Retiree Share 30.00%
Single Coverage	\$ 443.68	\$ 310.58	\$ 133.10
Family Coverage	\$ 767.42	\$ 537.19	\$ 230.23

Section 2. Retirees, who are currently enrolled, may participate in the City of Mattoon’s group term life insurance plan by monthly withholdings from pensions, whether paid by the Illinois Municipal Retirement Fund, the Firefighters Pension Fund or the Police Pension Fund. The retiree contribution for life insurance shall be \$13.86 per month for retirees under 70. For

retirees age 70 or over, the retiree contribution for life insurance shall be \$6.93 per month.

Section 3. Employee and retiree contributions adopted by this resolution shall become effective May 1, 2009.

Section 4. All contributions for payment of health and life insurance shall be deducted directly on a monthly basis from the pension benefits received by the retiree. The only exception to the direct deduction rule shall be when the IMRF rules and regulations do not allow for said direct deduction.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 21st day of April, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 21st day of April, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 22, 2009.

Mayor Cline opened the floor for questions or comments. Mayor Cline noted an increase to retiree shared portion on an annual basis. Commissioner McKenzie inquired whether the increase was reflected in the budget with Attorney & Treasurer Owen answering affirmatively.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2009-1328, establishing the 2009/2010 Compensation Plan for employees of the municipality not covered by collective bargaining agreements.

Mayor Cline opened the floor for questions or comments. Commissioner Hall inquired whether the increases were across the board with Mayor Cline responding for the regular employees. Commissioner Hall stated his opposition to approve the increases with budgeting restrictions. Commissioner Ervin suggested tabling the ordinance.

Commissioner Ervin seconded by Commissioner Schilling moved to table Special Ordinance 2009-1328.

Mayor Cline declared the motion to table Special Ordinance 2009-1328 carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1329, adopting the budget for the fiscal year that begins May 1, 2009 and ends April 30, 2010.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009 - 1329

**AN ORDINANCE ADOPTING THE BUDGET FOR THE FISCAL
YEAR THAT BEGINS MAY 1, 2009 AND ENDS APRIL 30, 2010
FOR THE CITY OF MATTOON**

WHEREAS, Sections § 35.50 through § 35.59 of the Mattoon Code of Ordinances approved by the City Council on February 19, 2002 adopted enabling state statutes for an annual budget in lieu of an appropriation ordinance; and

WHEREAS, the proposed budget was filed with the City Clerk and available for public inspection on April 9, 2009 and

WHEREAS, notice of a public hearing to consider review comments on the proposed budget was published in the *Mattoon Journal Gazette*; and

WHEREAS, a public hearing was held on April 21, 2009 at which hearing any taxpayer was given an opportunity to appear and be heard in favor of or against any of the proposed revenues and expenditures assumed in the tentative budget; and

WHEREAS, after the public hearing the City Council adopted changes to the tentative budget as outlined in the final budget which is attached to this ordinance and marked as "Final Budget – April 21, 2009"; and,

WHEREAS, the process and procedures for the annual budget have been completed in accordance with provisions of Illinois Statutes 65 ILCS 5/8-2-9.1 through 65 ILCS 5/8-2-9.10 and Ordinance 2002-5101.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Estimates of revenues and expenditures shown in the attached budget, as amended, are hereby adopted as the budget for the City of Mattoon’s for the fiscal year that begins May 1, 2009 and ends April 30, 2010.

Section 2. The budget as it has been adopted is attached and incorporated herein by reference.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 21st day of April, 2009.

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 21st day of April, 2009

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O’Brien
Susan J. O’Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality’s Records on April 22, 2009

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Schilling moved to adopt Special Ordinance 2009-1330, approving the parking variance at 1012 Charleston Avenue, allowing for a minimum of five parking spaces at a drive-thru convenience store. John Woodruff – Petitioner

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2009-1330

AN ORDINANCE GRANTING VARIANCES TO THE REQUIREMENTS OF THE MATTOON ZONING ORDINANCE ON PARKING SPACES FOR THE PROPERTY LOCATED AT 1012 CHARLESTON AVENUE, MATTOON

WHEREAS, there has been filed a written Petition by John Woodruff for a variance to the parking requirements of the Mattoon Zoning Ordinance, respecting property legally described as:

Lot 9, Block 134, of the Original Town of Mattoon now City of Mattoon, Coles County, Illinois
Also known as: 1012 Charleston Avenue, Mattoon, Illinois

WHEREAS, said petition requests that the following variance be granted pursuant to applicable ordinances of the municipality;

to the required minimum of 13 parking space, to allow a minimum of 5 parking spaces for a drive-thru convenience store; and

WHEREAS, the Zoning Board of Appeals held a properly noticed public hearing on April 7, 2009 regarding petitioner’s request for said variance; and

WHEREAS, the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested variance be granted; and

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance to the parking requirements of the Mattoon Zoning Ordinance, for developments of a drive-thru convenience store with 5 parking spaces, located at 1012 Charleston Avenue, Mattoon.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Section 4. The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder’s Office of Coles County, Illinois.

Upon motion by Mayor Cline, seconded by Commissioner Schilling, adopted this 21st day of April, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Commissioner Schilling,
Mayor Cline
NAYS (Names): None
ABSENT (Names): None

Approved this 21st day of April, 2009.

/s/ David W. Cline
David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on April 22, 2009.

Mayor Cline opened the floor for questions or comments. Mr. Woodruff answered questions from the Council including construction beginning in a couple of weeks.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner McKenzie moved to recess to closed session at 7:22 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); and collective negotiating matters (5 ILCS 120(2)(c)(2)).

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Council reconvened at 11:02 p.m.

Attorney & Treasurer Owen asked the Council if the City was interested in a solicitation to purchase the church at 22nd and Western. Council's consensus was not to pursue the solicitation.

Commissioner McKenzie seconded by Commissioner Schilling moved to adjourned 11:03 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Susan J. O'Brien
City Clerk